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CHARGE,

DELIVERED ON THE SIXTH OF JANUARY, 1862,

AT THE QUARTER SESSIONS

HELD FOR THE BOROUGH OF BIRMINGHAM,

BY

MATTHEW DAVENPORT HILL,

RECORDER.

WITH AN APPENDIX.

London :

PARKER, SON & BOURNE, WEST STRAND.

Bristol :

ARROWSMITH, 11, QUAY STREET.

1862.



9324
27/11/90

CHARGE, &c.

GENTLEMEN OF THE GRAND JURY,

The season of nature's gloom in which I now address you is deepened by another cause of depression far more severe and far more keenly felt. On a sudden our beloved Queen, rich in all the objects of human ambition, richer still in the love and the veneration of her people, so justly earned by four and twenty years of a reign wise, benign, and replete with zeal for the welfare of her kingdom, almost beyond example, and, perhaps, in the recesses of her womanly heart, feeling herself richest of all in the enjoyment of the domestic felicity flowing from her happy marriage, is, alas! become a mourning widow,—receiving pity and condolence from the humblest of her subjects, and deriving, I trust, some consolation from the knowledge that he of whom she is bereft lives, and ever will live, in their hearts. Sacred, indeed, to the whole nation is the memory of this thrice-worthy man! Often shall we be reminded of him as the benefits he conferred upon us are brought by circumstances from time to time under review. Often, too, when we reflect that his beneficent labours in our behalf, which we not unreasonably hoped might be extended through many years, are now for ever closed! But other clouds overhang the land. One which a few days ago seemed ready to burst into a storm of war now appears likely to be peacefully dissipated; a probability which, if it allay our anxieties for the present, has little power to relieve

them as regards the future ; since the elements of bitter strife unhappily still remain. Gentlemen, our civilisation is gravely rebuked by the fact that while jurisprudence has made signal advances in the prompt and righteous administration of justice among the inhabitants of almost every country, and again between a state and individuals charged with offending against its laws, the arbitrament which decides between nation and nation is still the sword—the instrument of brute force—the emblem of a power which, as the case may chance to be, acts now against wrong, and now against right, with a contemptuous impartiality. Yet, gentlemen, although we have much reason to rejoice in the improved administration of justice in England, and especially of criminal justice, we should do wisely to set our minds in the attitude adopted by a celebrated Roman, of whom we are told he

“Deem'd nought done while aught remain'd to do.”

The treatment of offenders is, even at the present day, in a condition far from satisfactory to those whose duties bring them acquainted with the actual working of our system in its various branches of the prevention of crime, and the detection, apprehension, trial, and subsequent disposal of criminals ; however much each of these branches has been improved. But while we must not slacken our exertions, we must, nevertheless, guard our minds from discouragement wherever it can be shown that what might be hastily assumed to disclose failures in our theory or practice really springs from causes beyond the reach of any conceivable system for dealing with crime. The inhabitants of Birmingham have during the last week been shocked with three executions in their immediate neighbourhood—two at Warwick and one at Stafford. Nor does the recorded infliction of capital punishment here end. In the two last months of November and December, during which the Winter Assizes have been held, together with the usual sessions at the Old Bailey, the number of convictions for murder has amounted to twenty at the least ; passing by culprits who, by verdicts

of manslaughter, have escaped the penalty of death in cases which my feeble perspicacity fails to distinguish from foul and detestable murders. This period, as there are three assizes in each twelve months, may be considered to furnish us with the criminal statistics of one-third of the year; and would therefore, if the growth of the crime be the same in all seasons, yield an annual total of sixty proved murders. And I know not why one season should be more prolific in this particular crime than another. It must be admitted that with regard to offences caused by the desire for plunder, winter, which diminishes the demand for labour, and at the same time offers facilities in the length of its night for deeds of darkness, is found to be more favourable to attacks against property than summer; and winter, therefore, rouses into its greatest activity the class which pursues crime as a stated calling and means of livelihood.

But, gentlemen, it is no less true than surprising that murder is an offence rarely committed by this class—that murderers are not generally persons of dishonest pursuits, but are led into crime by other motives than rapacity. Sudden gusts of anger driving the criminal into acts of madness are often the proximate cause; the remoter cause, doubtless, being that habitual want of self-control and that habitual indulgence of malevolent thoughts and aspirations, which leaves its victim without the power of resisting the most revolting impulses; and creates a thirst for revenge which the miserable wretch at last becomes willing to slake at the sacrifice of his life! How all these dreadful propensities are stimulated by intoxicating liquors is too obvious to require more than a passing notice. But even while only touching for a moment on this topic, I must be permitted once more to record my deliberate opinion that the drinking habits which prevail so largely among the masses of the people, have more to answer for in swelling the amount of crime than it is possible for those to imagine who have not gathered long years of experience in our criminal courts. Still, gentlemen, although I am not able to explain why murder should be more rife in

winter than in summer, yet I believe such to be the fact; and looking at the present state of things, I may go on to say I hope it will prove to be the fact, for sixty convictions for murder in one year would not only be an appalling event in itself, but it would argue a depth of depravity to which for many years we have been altogether unaccustomed. The average of convictions for the last twelve years has been under seventeen, while the highest number—namely, that in 1856—only amounted to thirty-one; scarcely more than one-half of that threatened by the results of the last two months. But even should I be mistaken in my recollections, which impress me with the belief that crime of all kinds is more rife in winter than in summer, yet we must not give way to the forebodings to which the statistics just quoted would seem to lead. The laws by which crimes are suddenly augmented in number and afterwards rapidly diminished, especially crimes which are the result of morbid impressions on the mind, and are unconnected with motives of pecuniary gain, are but ill understood, and, indeed, for the most part are involved in mystery. One such crime would appear to have a tendency to produce another. Sometimes the second criminal finds himself in circumstances resembling, or, perhaps, entirely similar to those under which the first offence was committed, as in the cases of the soldiers who have assassinated their officers. Here the second criminal, assuming, as he probably would, that the first had taken retributive vengeance against oppression, and having wrought himself up to believe that he also was the victim of similar injustice, would feel drawn on to follow the example which occupied his thoughts; and it is possible that the means of vengeance being at hand may have added to the danger arising from the diseased state of his mind. Sometimes, again, it would seem as if a temptation grew out of the very horror felt at the report of a crime, similar to that which we experience when, standing at the edge of a precipice, we feel urged onwards to plunge into the abyss before us. But whatever the cause, the fact remains indisputable, that crime will sometimes be multiplied into groupes, each composed of the same offences;

and then after a time will subside into its normal state. Thus it is evident that special agencies are utterly incompetent to effect its diminution among persons not belonging to the criminal class. Until the offence is committed society can have no justification for interfering with these prospective criminals, if indeed it has any means of finding them out. Here we must rely altogether on the slow results of general improvement; and if what I have said shall stimulate ever so slightly the labourers in each department of good works which have improvement for their object, I shall indeed be highly gratified.

But, gentlemen, not only have we to deplore the abundance of those crimes which are beyond the scope of special treatment, but our calendars throughout the country are swollen from the increased amount of the offences against property, committed by the criminal class. For this, however, the depressed state of manufactures and commerce, combined with unfavourable harvests, both of the cereal grains and of important esculent roots furnishes an adequate explanation. I have read with interest the report presented by the excellent Chaplain of your prison, at the October Gaol Sessions of the Justices of this borough. Mr. BURR shows that the number of commitments, which were less in the year 1860 than in any year since 1855, has been greater in the last year than in any one since the prison was opened in 1850; further, from observation and enquiry, he believes that throughout the kingdom during the same two years there has been a similar ebb and flow of crime. And having procured an account of the aggregate number of paupers in this parish year by year since 1850, he finds that the annual number of the persons relieved is in harmonious proportion, whether rising or falling, with the number of commitments to the gaol for the same years. Combining this fact with one which I believe would be found capable of proof, namely, that the alternations arose from causes not local, but operating (though with unequal force) throughout the kingdom, I think the reverend gentle-

man is justified in attributing much weight to adversity as a cause of crime. It must, however, not be forgotten that local causes—some to add and some to diminish the amount of crime—are constantly interposing; so as to make it impossible to obtain perfectly accordant results by comparing the statistics of various towns and districts. The chaplain gives a notable instance of a local disturbing cause, to which I invite your attention. "The year 1857," he says, "is the only year in which the proportional increase of the commitments was greater than the increase in the number of paupers. And this has been the only year since this prison was opened, in which the rate of commitments to the population has been greater in Birmingham than the average rate throughout England and Wales. The cause of the exceptional increase of crime in this borough, during that year, can only be traced by me," (he continues) "to the return to it in the same year of an exceptionally large number of convicts released from penal servitude before the expiration of their sentences." In corroboration of Mr. BURT's remarks, I may mention what I have learnt from your Chief-Superintendent of Police, namely, that the return to Birmingham of one discharged convict possessing ability and influence has very materially increased the number of commitments in a particular year. It is, I am sorry to say, of much less importance than could be wished, whether the convict be discharged because he has completed his sentence, or upon ticket-of-leave before such completion; because, as we have been repeatedly informed in the speeches of Sir GEORGE GREY, the grant of a ticket-of-leave by no means implies reformation in the recipient. And so long as, in addition to this defect in our practice, the Executive Government in England shall take no steps to enforce the good conduct of the ticket-of-leave man by the revocation of his license until he is convicted of a new offence, but on the contrary, whatever may be the profligacy of his life and the notoriety of his want of any visible means of subsistence, shall still leave him at large to follow his evil courses, so

long will the presence of discharged convicts in any town be a heavy calamity to its inhabitants, stimulating veteran criminals to pernicious activity, and augmenting their forces by the addition of many a recruit.

Under any circumstances, it would be painful and humiliating to expose to the world our shortcomings in prison discipline. But I cannot express to you the mortification I endure when I compare the state of things in England with that in Ireland. I have made two visits, at the distance of four years, to that island for the purpose of scrutinising with care and diligence the working of the Irish convict system, under the superintendence of Captain CROFTON and his meritorious colleagues. There you will find the grant of a ticket-of-leave is never made except on strong proofs of reformation; but as the strongest proofs may be deceptive, and as even a convict truly reformed may relapse when he becomes entirely his own master, the work of supervision is not nominal but real, and is most efficiently continued during his whole probation—that is, until the sentence passed upon him by the Judge has expired. If before that period he is found to deviate into courses suggestive of relapse into a criminal career, or of proclivity towards crime, his license to be at large is instantly cancelled, and he is carried back to gaol. Every kind of hypothesis has been devised by the detractors of the Irish system to account for the marvellous diminution in the return of old convicts to gaol, so common an occurrence in England: notwithstanding that the apparent numbers of such relapsed convicts is with us far below the reality; as it must continue to be so long as the present unwise and unjust parsimony in the payment of witnesses continues to prevail. Prisoners on their trial can be rarely proved to have been before convicted, but by the aid of prison officers who have held them in charge after their former offences. These must be sent for, however far the prison to which they are attached may be from the place of trial. Unfortunately it is a notorious fact that the loss imposed on this humble class of

public servants by thus fining them for the exercise of their powers of observation and of memory, induces them obstinately to withhold information as to their ability to prove prior convictions. Such conduct no doubt is highly reprehensible, and I shall not utter a single word to qualify my repeated condemnations of it. But I must not conceal my full belief that until the public does justice to them they will not do justice to the public. The objections periodically urged against assimilating the English to the Irish system—the conclusive answers to which are also periodically passed by in silence—produce less and less conviction on the popular mind with every repetition.

The Congress for the Promotion of Social Science held in Dublin, during the last summer, drew there a concourse of English, many of whom were conversant with the treatment of criminals and deeply interested in its amendment. And a large number of persons, including many magistrates, all competent to form a trustworthy opinion upon the subject, came away convinced of the great superiority of the Irish over the English method of treatment. Their report has sent other magistrates to Ireland who have, as I have ascertained, returned expressing the most lively satisfaction with the results of their inquiries. The Prince Consort himself visited about the same time the Intermediate Prison of Smithfield, and although from his position he would be wisely reticent of his opinion on controverted points, yet there is no doubt that he was very favourably impressed with what he saw and heard. Gentlemen, that we should have been deprived of the incalculable advantages of his matured judgment on this vital subject—the treatment of criminals—is one of the many losses we sustain by his death!

When the Grand Jury concluded their labours they made the following presentment, through their foreman, Mr. JOHN LOWE :—

The Grand Jury cannot separate on the present occasion without expressing to you their entire approval of the very able and instructive address with which you have favoured them on the opening of the present Sessions. We sincerely deplore the sudden removal of his Royal Highness the Prince Consort, and especially desire to join in the affectionate sentiments you have so well expressed to our beloved and widowed Queen under this sad bereavement. It would be out of place on our part to follow you through the address and refer to every topic you have so ably noticed; but we cannot refrain from stating that we fully approve and endorse every word contained in your charge, and, desiring to be brief, we would only specially mention our concurrence with your remarks in reference to two points, namely, the inadequate remuneration to witnesses, which we fear, in many cases, prevents persons prosecuting, and defeats the ends of justice; and, secondly, the ticket-of-leave system. And we earnestly hope that our Government will shortly think fit to modify, or entirely abolish, a system which experience has proved is alike baneful in its tendency, and unsatisfactory and dangerous to the public.

The RECORDER, in reply, said he was highly gratified by the address of the Grand Jury. He was afraid, however, that he had not made himself clearly understood in that part of the Charge which related to tickets-of-leave. He fully approved of the *principle* upon which the ticket-of-leave system was founded, and if it had been administered in England as it had been in Ireland he believed that we should not now have to complain of it. In Ireland its results, so highly satisfactory, had proved its soundness beyond all question.

APPENDIX.

THAT all possible facilities should be given for proving prior convictions against prisoners on their trials for new offences is manifest. A confirmed criminal is, perhaps, the most noxious animal in creation. Experience has given him boldness, dexterity, and the power of exercising his nefarious calling with the least possible amount of danger ; while his influence over the minds of such as are open to temptation is hardly to be resisted. He represents the chances of detection as remote, makes light of punishment should it occur, and appeals to his own career in testimony of how little there is to be afraid of. To reform such a man is a task of great difficulty under any circumstances—even the most favourable ; and until reformatory treatment is better understood, and more successfully practised than it now is in England, we must limit our hopes to the advantage to be attained by incapacitating the offender, through imprisonment for a long term of years, from pursuing his evil courses. But this, in the majority of cases, can only be done by proving a former conviction against him ; and such proof it is now very difficult to procure.

Four years ago, the Executive Government, finding that abuses had crept in to the remuneration made to witnesses in prosecutions, which was sometimes larger than sufficed to indemnify the individual for his loss of time and his travelling expenses, framed a tariff which, it was immediately found, cut down the allowances so as in many instances to leave the witness a loser. This error has a tendency to deter prosecutors in humble life from insti-

tuting proceedings, or even from giving the requisite information to the police, knowing that the magistrates have the power, on committing a prisoner, to bind over all persons who can furnish evidence to attend, for that purpose, before the Grand Jury and before the court, on his trial.

Here, then, is a source of impunity for criminals—old and new ; but, with regard to the former class, there is another chance of escape from the sentence due to the felon who has been previously convicted. The witnesses to prove the prior offence must generally be sought among a body from which this duty is demanded with a frequency which an inadequate allowance renders most oppressive. As I have stated in my Charge—and the statement is but a repetition of what I have been urging on the public attention ever since I became aware of the mischievous effect of the present regulations—the consequence of this parsimony is that the officers will not give evidence of identity. They know that such refusal, if accompanied by a falsehood, may be given with perfect security ; for who shall measure the retentiveness of their memory ? Moreover, it is to be feared that sympathy with the hardship to which a conscientious performance of their duty exposes them has had its effect on the minds of their superiors. I have been informed by the local authorities of Birmingham that the governor of the gaol in a neighbouring county wrote to them to request them not to require the attendance of his officers, as the poor men really could not afford the loss imposed upon them by their journeys. It is but reasonable to suppose that the feeling which prompted this extraordinary request is shared by many who have too little frankness or too much prudence to avow it. How far this suggestion explains the following letter from the governor of Cold Bath Field prison to the Public Prosecutor of Birmingham it is not for me to determine. I will, however, venture most respectfully to invite the attention of the magistrates of Middlesex to the letter, because, if it be held to disclose the real ground of refusal, it would seem to argue that the arrangements of the prison are such as to demand considerable improvement. The criminal whom the officers were asked to identify with the Birmingham prisoner had been in their

custody for the space of six months, and had not been discharged at a remoter date than three years.

Mr. Walter to Mr. Colvill.

BIRMINGHAM, 2nd January, 1862.

Sir,

REGINA v. RD. GOODWIN, convicted at Cold Bath Fields, London, 30th January, 1858, and sentenced to six months' imprisonment under the Crim. Jus. Act for stealing gold from his master.

This prisoner is charged with a like offence at our Birmingham Sessions on Monday next, the 6th inst. Would you please send me the name of the officer who will prove the previous conviction, and request him to attend here not later than mid-day on Monday to prove same. I will then have him served with subpoena, and see that his expenses are properly paid, and as the time is so short would he please call and obtain the certificate for same.

I am, Sir, yours obediently,

ALFRED WALTER,

*Prosecuting Attorney for the Borough of
Birmingham.*

Governor of Prison,
Cold Bath Fields, London.

Mr. Colvill to Mr. Walter.

MIDDLESEX HOUSE OF CORRECTION,
COLD BATH FIELDS, W. C., 3rd January, 1862.

Sir,

I have to acknowledge the receipt of your letter of yesterday, respecting a man named RICHARD GOODWIN, now in custody at Birmingham; but owing to the large number of prisoners here, and the length of time since his imprisonment, I could not send an officer who could identify him.

Your obedient servant,

THOMAS H. COLVILL, *Governor.*

ALFRED WALTER, Esq.,
Solicitor, Birmingham.

To this correspondence Mr. WALTER adds the following letter to myself:—

BIRMINGHAM, 8th January, 1862.

Sir,

I beg to enclose, as requested by you, a copy of the correspondence between myself and the Governor of the Middlesex House of Correction, Cold Bath Fields, London, relative to the proof of a previous conviction against RICHARD GOODWIN, who was tried at the recent Birmingham Sessions for a felony.

I cannot on this occasion refrain from troubling you with the belief which I entertain, that the real cause which prevented the Governor complying with my request, was not so much the one stated in his letter as the inadequate payment to officers for their expenses of attending Courts of Quarter Session

or Assize to prove such convictions. It *must* entail a serious loss to a man in the position of a Gaol Warder to attend a distant town at a compensation of 1s. 6d. *per day*. He must stay at an inn, and 1s. 6d. cannot cover for the day his tavern charges.

We are not, however, left to conjecture, as frequent cases have come under my notice where officers have been at a considerable expense and loss, and some have even stated their intention to have "short memories" if called upon for the future to identify prisoners for the purpose referred to.

Trusting you will pardon this trespass,

I am, sir,

Your obedient servant,

M. D. HILL, Esq., Q.C.,

ALFRED WALTER.

Recorder of Birmingham.

That the evil of which I complain is not merely topical in its extent is demonstrated by what follows, which I extract from the *Times* :—

LIVERPOOL, August 15, 1860.

CROWN COURT.—(Before Mr. Baron MARTIN.)

Yesterday afternoon, before the rising of the Court, the Grand Jury concluded their labours, and on bringing in their last batch of bills their foreman, Mr. A. EGERTON, M.P., wished to read a presentment of the Grand Jury, as the result of their observation and experience as magistrates of the county and as Grand Jurymen, of the effects of recent measures of economy in the payment of witnesses in prosecutions.

Mr. EGERTON then read the following presentment :—

The Grand Jury for the southern division of the county of Lancaster, at the August assizes, 1860, desire to state their opinion that the reduction in the scale of allowances to witnesses at sessions and assizes, made under an order of Secretary Sir GEORGE GREY, bearing date February 9th, 1858, has produced, and is likely to continue to produce, a most important influence upon the administration of justice and the state of crime.

The scale of allowance in force previous to the above order may be described as recognizing the general principle that all persons attending under recognizances to give evidence in criminal prosecutions should receive reasonable compensation for their necessary expenditure, and, to some extent and in certain cases, for their loss of time.

The scale was, no doubt, in some cases abused by the granting of excessive and improper allowances, and the Grand Jury is of opinion that measures for the prevention of such abuses would have been proper and desirable.

But the scale sanctioned by Sir George Grey proceeds upon a principle which is entirely opposite to that of the previous one, and which may be described as being, in substance, that a uniform and low scale of payment, not more than fairly adequate to the wages of an unskilled labourer, should be adopted in all ordinary cases, with a higher one in the case of members of the profession of the law or of medicine, and a lower one in the case of the police.

The full effect of the new scale was not immediately felt, as its character did not at once become generally known. Its practical result is now clearly found to be—and those members of the jury who habitually discharge the ordinary duties of magistrates are painfully aware of the fact—that there is in the great majority of instances a decided and increasing disinclination to forward the administration of justice by aiding in the apprehension and conviction of offenders, inasmuch as every person so doing now subjects himself not only to trouble and inconvenience, which probably he might be very ready to undergo, but to a direct pecuniary loss, which in many cases is a very serious one to himself and his family, and that such should be the case is generally felt to be grossly unreasonable and unjust.

Persons who are robbed are now in many cases most reluctant to prosecute, inasmuch as prosecution only subjects them to a certain serious loss in addition to what they have already incurred; and with all persons whose general or special duty it would be to aid in the detection of crime there is a general disposition, more or less, to escape, if possible, the performance of a duty which subjects the person who fulfils it to an inevitable, and, to him, often a serious pecuniary penalty.

As a striking illustration of these facts it may be stated that in the case of the police, who receive their ordinary pay when in attendance at sessions and assizes, the further allowance is so inadequate to meet the additional expenditure which they unavoidably incur when living away from their own homes, that it is a great hardship upon them to be required to undertake the discharge of any duty involving attendance at sessions or assizes; and they naturally feel most reluctant to do so, unless when imperatively required, or unless they are held harmless against loss from some other source.

In the very serious duty of proving previous convictions, generally performed by governors and other superior officers of gaols, and which often can be satisfactorily performed by no one else, the allowance is so inadequate to the needful expenditure incurred that governors of gaols cannot ordinarily discharge this duty without serious pecuniary loss in every instance; and governors of gaols cannot now ordinarily be relied upon to discharge it at all unless served with a subpoena which involves expense to the public, but does not save the governor from pecuniary loss. It may be further stated that, in the case of pawnbrokers, whose assistance is constantly needed in the tracing of stolen property, the grievances of the present system are very serious and are the subject of strong complaint.

The Grand Jury, while giving all due credit to the promoters of reformatories and schools, whose efforts the Grand Jury earnestly desire should not be counteracted by other causes, believe that the results of the circumstances to which they have adverted may be distinctly traced in this county as a material cause of the lighter calendars at assizes and quarter sessions, and the reduced number of inmates of our gaols, and as leading to the existence of a larger amount of criminal population at large and unchecked, engaged in the perpetration of crimes themselves and in the corruption of others. A natural consequence appears to be the extension in this county, and probably elsewhere, of crimes of the more serious class, to which your Lordship adverted in your charge.

And the Grand Jury finally declare their belief that, unless the scale to which

they have adverted—introduced, it may be observed, by the sole authority of the Secretary of State, without any sanction of Parliament—be abandoned, and a more equitable system introduced, all efforts for the diminution of crime and for the amelioration of society will be rendered comparatively unavailing by a misplaced economy, and that the amount of serious crime shown in the calendar for the present assizes, which your Lordship and the Grand Jury alike lament, is likely to continue and probably to increase.

ALGERNON EGERTON, *Foreman.*

HIS LORDSHIP stated in reply that he had no power in the matter, but would forward the memorial to the Secretary of State for the Home Department; and he recommended that a subject on which so decided an opinion had been expressed by gentlemen whose position so well enabled them to form a sound judgment should be brought by them under the consideration of Parliament.

The Grand Jury then retired.

We need scarcely add, that this strong expression of opinion of the magistrates and Grand Jury of South Lancashire is entirely in accordance with the observations we made on this subject a year or two ago, founded on the experience of the working of this system of false economy throughout the whole of the counties of the North of England forming the Northern Circuit. Indeed, if the expenses of the machinery of cutting down and taxing the costs of prosecutions be taken into account, it is very questionable whether anything is saved to the public, even on the score of economy. But when the results of the parsimony, carried to the extreme that it now is are to be traced in black calendars, because the criminal population is left at large until they commit crimes of so deep a dye that unwilling policemen and witnesses are compelled to give evidence against them at last, such a system defeats its own object, and, instead of being economical, is the worst kind of extravagance. For the last four or five years the Bar and others acquainted with the working of these attempts at a false economy have pointed them out in vain, until at last the system is beginning to bear the fruit that was predicted of it. If continued much longer, that which has been deemed one of the blots on the character of the Irish people—that they screen offenders from justice, however black their crimes—will be, with almost equal truth, a blot on the character of the English people, though produced by a different cause. Men will not willingly subject themselves to loss as well as inconvenience by becoming witnesses; and when once it is the belief of the people generally that this is what will certainly happen to them if they become witnesses, it is not difficult to predict that, although a crime may have been committed within the knowledge or sight of a score of people, no person will know anything about it. Under the old system there may have been occasional extravagance, and possibly,

in consequence, a too eager police ; but of the two systems the one now in fashion leads to far greater evils, and disgusts everybody who has to do with the administration of the criminal law.—*Times*, Aug. 17th.

After this exposure, what reliance can be placed on statistical tables as proving a diminution in crime? Surely, the world will some day see through the delusion which measures the number of offences by the number of prosecutions!

Dissatisfaction with the scale of February, 1858, soon broke forth, and Ministers issued a Royal Commission in the following summer, at the head of which was Sir WILLIAM MILES, Chairman of the Somersetshire sessions, a magistrate of great experience. He and his colleagues were so impressed with the mischievous operation of the change that they exerted themselves strenuously to be able to present a preliminary report sufficient to guide the Executive Government to a revision of the scale in time for the summer assizes of that year. And this they accomplished, although they had to examine many witnesses. But, up to this time, no advantage has been derived from their labours.

During the last session, however, a Bill was brought into Parliament by the Home Secretary, of which, as I am informed, the object was to enable the local authorities to supplement the allowances in the scale of 1858, wherever justice called for a greater payment. But the fund out of which these supplementary payments were to be made is that produced by local rates—a provision which, I should very much fear, will raise a serious obstacle to the adoption of the measure; since it strikes at the principle on which the expense of prosecutions was charged on the Consolidated Fund, instead of upon the rates which originally bore the burden. The ground on which the Minister called on Parliament to relieve the rates was that they are an impost on real property, and that after the repeal of the Corn Laws, landowners had a claim to relief. I am not aware that anything has occurred to weaken that claim, whatever may be its validity; and even if Parliament should be induced by the Minister of the day to follow him in this retrograde movement,

I certainly anticipate great difficulty in working the new system against the local opposition which may be prompted by a sense of injustice.

The example of the Grand Jury of Lancashire has been extensively followed. At the last Michaelmas Sessions the Grand Jury of Birmingham advised that a conference should be held by Chairmen of Quarter Sessions (of course, including Recorders), to obtain a due revision of the scale. The suggestion has been adopted at many other sessions. Lord DUDLEY, Chairman in Worcestershire, states that he will "be most happy to attend any meeting that may be convened upon the subject." In Norfolk the court authorised and requested their Chairmen, Mr. HOWES, M.P., and Sir WILLOUGHBY JONES, Bart., "to take steps to endeavour to obtain a general meeting of the Chairmen of Quarter Sessions generally, throughout England and Wales, for the purpose of taking into consideration the scale of payment to prosecutors and witnesses in criminal prosecutions." In Kent the court ordered "that, in the event of a meeting on the subject being convened, GATHORNE HARDEY, Esq., the Chairman of Quarter Sessions for West Kent, and Sir BROOK WILLIAM BRIDGES, Bart., the Chairman of the Quarter Sessions for East Kent, be requested to attend." Other courts of Quarter Sessions have expressed their concurrence with the Grand Jury of Birmingham, and I am confident that the initiative which has been entrusted by the court of Quarter Sessions of Norfolk to Mr. HOWES and Sir WILLOUGHBY JONES will be promptly taken. That the meeting, under such auspices, must be well attended there can be no reasonable doubt.

Why the Community should take an Active Interest in the Treatment of Adult Convicts. By CAPTAIN WALTER CROFTON, C.B.
Read at the Congress for Promoting Social Science, Dublin, 1861.

In a paper read by me at Liverpool at a meeting of this Association held in 1858,* I endeavoured to prove that by the aid of "Intermediate Prisons," "lengthened sentences of penal servitude on Habitual Offend-

* See *Transactions*, 1858, p. 376.

ers," and "Police supervision over liberated Criminals," we might hope to satisfactorily solve the difficulties of the Convict question. I propose to show in this paper that society has a deep interest in the treatment of Adult Convicts on three most important grounds:—

1st. On the ground of "Humanity."

2ndly. On the ground of "Self-preservation."

3rdly. On the ground of "Economy."

With regard to the first ground, "Humanity," it will be remembered that, in 1854, an Act was passed for the establishment of Reformatory Schools in Great Britain. By that Act a great principle was accorded, viz., that neglect and bad training required other treatment than penal infliction. "Juvenile offenders" since the passing of that enactment have had cause to bless the humanity and the wisdom of the State which has taken their better training upon itself, and of thankfulness to those individuals without whose assistance the State would have been powerless to aid them. So much for juveniles convicted since the passing of this Act. But where are the juveniles convicted antecedent to this period? They are for the most part the adult convicts of the present day. Thousands now detained in our Convict and our County Prisons were once of the neglected and badly-trained "juvenile class," who, according to present legislation, might, humanly speaking, by better training have been rescued from a life of sin and misery, and from the prisons in which we now find them.

To me, looking upon this question as the accident of time, and as an acknowledgment on the part of the State of having erroneously treated young criminals prior to 1854, I must confess it appears to be an imperative necessity, an act of simple justice, to apply every possible means at our disposal to rescue, even at the eleventh hour, those whose misfortune it has been to attain the age of sixteen years prior to the enlightenment of 1854. The process pursued with them may be somewhat different, but I maintain that we, as a Christian people, are bound to secure their reclamation by every practicable means.

We are not to be deterred by the reckless, criminal, and almost revolting aspect too often presented to us in the appearance of the adult offenders, but we are to consider, with all humility, that these hard lines and scowling aspects have been accumulated by a life of antagonism to all that is good, generated in some part by an alienation from "all that is kind."

Let us inquire what can be done, and let us see what has been done, to attain so desirable an end as the amendment of the Adult Criminal; whether the principles which have proved so successful with the young may not be applicable also to the more advanced in years. Can we not individualize, and seek after that which is good in every person, old or

young, and foster it, and under the blessing of God bring it to maturity? Can we not wrestle, and struggle, and strive to eradicate that which is evil? Can we not examine the faults and weaknesses of character, and to the best of our power make their opposites the road to advancement?

Do we not know that the bane of the criminal class is self-indulgence, idleness, and a want of self-restraint? By therefore placing a premium upon self-negation, industry, and self-restraint, and making these qualities the grounds, the felt grounds of the Criminal's advancement, you afford to him a good and reformatory training. It may be so in a greater or a lesser degree to individuals, but it must be so in a degree to all. By the same process, his bad and more natural qualities may be made to retard his progress to the goal all are desirous to obtain—viz., liberty.

I pause here for one moment, because I think there may be some who question the justice of admitting an interference with the sentence of the judge through any subsequent act of the Criminal under detention. I think it better therefore to explain, that since the enactment of June, 1857 (20 and 21 Vict.), the judicial officers are, at the time of passing sentence, made aware of the course which will be pursued, and that a certain and proportionate part of each sentence can be abbreviated through the conduct of the Criminal.

Let us make the most of this great concession, and so regulate our procedure with the Convict under detention as to take the utmost advantage of it to secure, as far as may be possible, his amendment if not his reformation.

Let us now inquire what has been done. The qualities before named as desirable to obtain—viz., industry, self-negation, and self-restraint,—are in the Irish convict system designated by marks; and it is by the attainment of these marks—i.e., by the constant exercise on the part of each "individual" of qualities distinctly opposed to those which have led to his incarceration—he can alone improve his position under detention, and attain, within certain defined limits, his liberty.

The convict is perpetually climbing a ladder the steps of which, difficult and toilsome at first, become easier and easier in ascent as self is overcome, until he attains the "Intermediate Prisons," in which the marks cease; and all are supposed to be alive to the necessity of co-operating in their own amendment, and to be thoroughly grateful to the State which, in its justice, and not in its vengeance, has incarcerated them.

You will find this to be no mere theory, but a practical result illustrated at the "Intermediate Prisons"; in them you will find the slower climbers up the ladder of industry and self-restraint associated with those who have progressed more rapidly. It may be, that the cause in some instances has been more innate depravity than in others. It may be,

that a giddy and thoughtless spirit has in some cases induced a reckless early career under detention. But when the required number of marks has been attained, all are welcome to this haven; there is no longer any difference between them.

You will find by examination of past and present records, that we have been, and are now, dealing, not with the selected men it has been the business of our very few opponents to state would be alone found in these establishments, but the reckless, daring, and oft-convicted offender, who by a long course of bad conduct in prison, as well as out of it, has taken years longer, in some cases, to climb the ladder of admission than many of his brethren in crime.

It is a long lane which has no turning; but the turning has come at last, and what will you find? Sullenness, soreness, and discontent caused by the lost time, and extra detention, which misconduct in prison has entailed upon them? No.

Will they feel wroth with the State which, in its rigid requirement of the exhibition of qualities testifying to the amendment of the individual, has caused this loss of liberty for years? Not so. The position in which you will find the Convicts encamped on Lusk Common will be an ample reply to this question. You will find the fruits of the training to result in an active desire to perform the labour of the State which has incarcerated them.

And why? Because the Criminal is co-operating with the State in his own amendment. This is no exaggerated picture, as you will find. Let no man henceforward state that there is no amendment for the adult offender who has made crime his vocation for years: we point to Lusk which implies all the training that has preceded it; we point to the Refuges; and we point to the once daring burglars of this city who have now, within our own observation, lived in honest industry for years.

Let us therefore not neglect the profitable lesson this inquiry may convey to us, for "Humanity" calls upon us to apply it.

With regard to the second ground, "Self-preservation."

According to the Irish convict system, the "Intermediate Prisons" lead to liberty, which, under the Act of 1857, is in all cases of abbreviation of the term of sentence "Conditional," until the expiration of the original period of detention passed upon the offender. In both England and Ireland the liberty is "Conditional;" but in Ireland the conditions endorsed on the licence mean something. They are in all cases strictly enforced.

This enforcement is a continuance of the Convict System—a last link in the chain of our treatment of the greatest value—a step onward from the "Intermediate Prisons"—leading strings to free life, a gentle and judicious feeling of which is of the highest importance to the individual and the best protection to the public.

We can tell you of many who have drawn back from the consequences of irregularity leading to crime, through the action, the gentle feeling of these leading strings, and to our knowledge have had cause to bless their institution. Impressed with their utility, we have had in some cases to deplore the shortness of sentences which has restricted their action.

With a view to the protection of the public, the Irish convict system does not confine itself to this safeguard. We have taken steps, by means of photography and correspondence with the Governors of county and city gaols in Ireland, to systematize the proof of former convictions against old offenders, and thereby entail longer sentences upon them.

It is obvious that by these means Crime can be made a perilous calling, and the Community be properly protected; but it is also obvious that this mode of procedure makes cases which affect the percentages of the system which carries it out, for it is evident that the relapses under such a state of things might be expected to be much more considerable than under any system which ignores the course of the Criminal when discharged from the prison gate.

The great difference which exists between a "positive" and "negative" mode of dealing with criminal statistics cannot be too strongly impressed upon the public mind; and the very dangerous fallacies to which negative statistics may give rise cannot well be easily exaggerated.

Notwithstanding the strict system pursued in this country, what do we find to be the number of revocations of license and of re-convictions to our Government prisons during the five and a half years in which our "Intermediate Prisons" have been established? Why, under 10 per cent.; and included in this number are very many cases which have been returned to the establishments for the commission of irregularities which were not Criminal.

Without assuming for one moment that all those not re-committed have been reformed, I would ask whether, taking into consideration the appliances used in Ireland for bringing offenders to justice, this is not a most gratifying result—a most triumphant testimony to the soundness of principles which have been advocated for years by so many around me? and whether this mode of procedure is not one which must assuredly tend to deter from crime, to break up the criminal class, and be to the public a measure of "self-preservation"?

The proper training of the Adult Convict is also to be advocated upon the third ground of "Economy."

It is quite manifest that if you train the Criminal upon the principles stated on the ground of "humanity," you will, as has been proved in Ireland, obtain his co-operation in his own amendment; and you will then, and not until then, be enabled to dispense with costly prison build-

ings, and numerous and expensive staffs and guards, and thus to substitute a moral for a physical force.

You will have to surround the Criminal with special agencies to obtain the end in view, but they need not be numerous.

Under such circumstances it is clear that you can locate Convicts at certain periods of their sentences, on any work which the State may require to be performed, with a trifling cost as to buildings which can be made to be removable, as at "Lusk Intermediate Prison."

Without confining ourselves to the economy and convenient application of the labour during actual detention, let us contemplate the economy, which will be the consequence of the amendment of the adult offender; and in order to fully appreciate this result, we must not confine the area of our contemplation to the mere fact of the offender himself being amended, and the saving of cost on that ground—we must grasp the consequences of his pernicious example and evil training upon others.

We very wisely pay, at the present time, about £75,000 per annum towards the support of the Reformatory Schools of the United Kingdom, and we are likely, and still wisely, to have to pay a considerable sum also for "Industrial Schools." I therefore maintain that it is imperative upon us, even in a financial point of view, to take such steps with regard to our "Adult Criminals" as will in a great measure tend to prevent their counteracting, by bad example and evil training, the good which so many devoted persons are now effecting, and towards which we taxpayers so wisely and cheerfully contribute in aid.

In concluding this Paper, I think it right to state that my official connexion with the "Irish Convict System" is now about to close; and therefore you will, I feel sure, excuse my very earnestly appealing to you for a thorough examination into its principles and results. I know of no tribunal so well qualified for the purpose. I see around me those who have fought for, and succeeded in carrying out, principles they have proved both sound and successful.

Let me ask them, earnestly ask them, to examine whether, during the last seven or eight years of my official career, I have allowed these principles to lie dormant. Let me ask them to examine whether the few—the very few persons who have objected without knowledge, and without inquiry, to our system, have the veriest shadow of foundation for what they have alleged.

They have stated:—

1st. That we have not been dealing with real Criminals, but merely with lapsed offenders, and that we have selected men on whom to operate.

2nd. That it would be impossible to preserve morality and order in the huts in which the Convicts are associated before liberation.

3rd. That the exhibition of Convict labour in this form would be the means of overflowing the prisons.

4th. That Police supervision could not be carried out without gross abuse.

If these allegations can be disproved, as they will be disproved and scattered like so much chaff to the wind, we are bound, for the sake of humanity, justice, and sound policy—and this great and valuable Association is bound for the sake of social progress—to take heed that the principles which govern the Irish Convict System, and the results which have followed the enunciation of these principles, lie not fallow.

There has been, and there is yet, great ignorance upon this subject; and this ignorance has been our greatest opponent. But when we remember the stout walls of prejudice and of ignorance which were raised in opposition to the institution of Reformatory Schools, and how these walls were at last successfully breached, we cannot but be most hopeful. Those who were concerned in this warfare—and I see many before me—will, however, remember that the exertions used were of no ordinary character; and believe me when I state, that notwithstanding what Ireland can show now, and has shown for some years, to illustrate the truth of the cause I am now advocating, it will require little less exertion than was then used to obtain for it universal acceptance.

This task of enlightenment, acceptance, and reform, I now place in the hands of this powerful Association, feeling assured that the great truths demonstrated at our Intermediate Prisons and Refuges in Ireland, will be by these means very profitably and rapidly extended.

When I state that so eminent a man as CAVOUR (who, when in England a few years since made himself practically acquainted with the habits of the "criminal classes,") caused an inquiry to be made into the "Irish Convict System" from a conviction that it was based upon sound principles; when I state that the result of this inquiry was to obtain for us the highest eulogium of that illustrious statesman; when I further add the approval of such men as M. BERENGER and M. DEMETZ, of such eminent jurists as Baron HOLTZENDORFF, of Berlin (whose presence at this meeting I rejoice to see), and Professor MITTERMAIER, of Heidelberg, and find the fruits of their advocacy in Oldenburg, in Prussia, in Tuscany, and in Portugal; and that under the direction of M. COZZIRIS, the Inspector-General of Prisons, these principles are carried out in the Ionian Isles, and also in America; I feel that I am not asking your support for a mere theoretical vision.

We are not now to be told with a shadow of reason or of justice, that these principles may be profitably applied to adults in Ireland, but that in England they would assuredly fail; that principles which deal with feelings common to every human breast may be sound for the man who

is born in Tipperary, but are totally inapplicable to his fellow-subject who is born in Gloucestershire.

I am thoroughly conversant with the Criminal classes of both countries, and I know of no reason whatever for restricting the application of these principles.

I know the police of both England and Ireland, and their system of proceeding, and I can see no reason to impute to the Saxon a want of discretion which we have not experienced from the Celt.

These are phantoms which should only exist in the imagination of the uninformed, and will infallibly be dispelled as soon as they are closed with.

The "Irish Convict System" was once stated to be a mere experiment, which would collapse in a year. It is now, after many years' practical experience, a great and accomplished fact, which has very materially reduced the Convict population of this country, concurrently with the institution of improved appliances for bringing old offenders to justice. It is a system which has, consistently with the most humane principles, carried out a most stringent and protective mode of Convict treatment.

I do not feel that I shall appeal to you in vain. If nights, as well as days, of anxious thought and responsibility have somewhat impaired my health, and if circumstances have rendered necessary my retirement from my present office, it will be to me a great comfort to find that the cause still progresses. Great reforms do not advance of themselves. Past experience informs me that hostile objections may again arise, and may even multiply when I am gone. Believe me that I speak truly when I say, that however able the future administration of the Irish Convict System may be, however zealous and earnest its workers, it will yet require all the assistance and support which this Association knows so well how to bestow on what it considers to be based upon sound and intelligible principles. I have great reason to be thankful to those who, under circumstances of much trial, have assisted me so materially in the cause. It is one in which the labourers must work from other motives than those of hire. Disappointments will ensue, but hope must not abate. Health will fail, but energy must not slacken. Death will come, as it has come, and within the last few weeks removed from his sphere of active usefulness one it has often been my gratification to publicly name—Mr. Goon, the late superintendent of Smithfield, whose untiring zeal and industry for the cause I feel had so much to do, humanly speaking, with his removal hence. Gaps like these, my friends, are difficult to fill, and convey to us the lesson to take heed by the course we pursue, that there still remain those who are not only willing but able to fill them. One word more, and I have done. My task will be to prove:—

1st. That "Habitual Criminals" are cheerfully and willingly performing the work of the State, which in its justice and not in its vengeance has incarcerated them, in localities without walls and without physical restraint.

2nd. That after liberation the same class of Criminals are now living, and have been for years living, in honest industry. When I add to these proofs the fact that the Convict prisons are now half empty, and show to you the appliances for bringing old offenders to justice, I believe that all that can be expected from a Convict system will have been attained. These points will very fully convey the whole. But, after this examination I have one request to make; it is this—That those who feel satisfied with the result of this investigation will, on their return home, each exercise an influence on behalf of the cause on the area immediately around them. We may thus hope to find it at last very generally admitted that however bad may have been the antecedents of the "Adult Convict," it is, under the blessing of God, for him as for others, "never too late to mend."*

In the Rev. WALTER CLAY'S *Life of his Father*, the able and lamented Chaplain of the Preston Gaol, will be found a comparison of the systems of Captain MACONCHIE, Sir JOSHUA JEBB, and Captain CROFTON. It is a striking production, which no student of prison discipline should omit to read. And although he may not, as I do not myself, adopt all the author's views, it must be his own fault if he do not rise from perusing this portion of the work with valuable additions to his knowledge of the subject.

I insert a passage, with its notes which might, perhaps, have been advantageously incorporated with the text :—

"The best and most radical revision would be to introduce in full the mark system in all the public works prisons. But as that is not at present to be expected, the next best plan would be to adopt the Irish system, just as it stands; above all the intermediate prisons (which, by the way, would be included in the mark system, forming there the last stage). But if this is too radical a change, then to fall back on the recommendations of the Commons' Committee, and double the present

* Since this Paper was read Captain CROFTON has withdrawn his resignation, and, happily remains at the head of the Irish Convict System. *Ed.* [of the Transactions of the Society for the Promotion of Social Science, 1861.]

remissible portions, would be a vast improvement; * for this would be at once to double the power by which the convict system is worked.† There would be no necessity then to feed and bribe the felons into sulky contentment. The classes and the stages—the entanglement of three classes and three stages is superfluous under any circumstances—might be swept away, and the Irish scale adopted. To put a man in the first class on his arrival at the public works, as a premium for his good conduct in the cellular prison, is a strange blunder. At Mountjoy he is rewarded with a month's earlier release from the cell. A better recompense than this might be devised; but even this is far preferable to the unaccountable error in question. The object of the progressive classes is to give the convict a constant stimulus; to this end his condition in the lowest grade should be as hard and as penal as possible. To squander gratuitously at the outset a large portion of the moral fund which we have to expend for his benefit, is almost to stultify the whole scheme. If the felon is well fed and well paid in the first stage, what must he be in the last? But there is yet another mistake committed in the English prisons, which seems to betray that one of the main purposes for which the progressive stages are established is utterly forgotten. It was the chief object of Captain MACONOCHIE and Captain CROFTON gradually to pull to pieces the convict's moral go-cart, to relax restraints, to restore his right of self-government, and so to prepare him for a return to ordinary life. Something of the kind is done in English prisons; men that show they can be trusted are sometimes trusted; it is, of course, convenient to do so. "Special service classes," for instance, are formed at Portsmouth and Dartmoor, the members of which, at their work, are almost free from supervision. A most happy device beyond question, but, unfortunately, an exceptional variation on—not an integral part of—the system. As a general rule, the convict, as he rises from stage to stage, may have more letters and visits from his friends, more six-pences,

* It must be remembered that Colonel JEBB is not responsible for the fundamental error of stinting the offer of liberty to so small an amount. He has had to make the best of a system, the main principle of which is radically defective. If he had his own way he would probably soon recast the discipline of the convict prisons.

† The time during which the convicts are detained would probably not be shortened in the end. Since the Act of 1857, the short terms of penal servitude (three and four years) have come into fashion among judges. Captain CROFTON thinks that this tendency to short sentences arises from the judges taking into consideration the fact that so short a portion of the sentences they pronounce can be remitted. If this be so, to lengthen the original sentences would be one result, and a most desirable result of lengthening the remissible portions.

more beef, and more beer, but not the one thing most needful at once to promote and to test his reformation—more liberty.*

When the English system is revised—and revised it must be—it may be made more perfect even than that of Ireland by retaining two features in Captain MACONOCHE's scheme which have disappeared from Captain CROFTON's. The lesson of self-denial is one which the regular criminal requires even more than that of industry. This cannot be taught by compulsory hard fare, but it may be imparted by training the felon of his own choice to stint his appetites. It was a happy idea to give him the option of a coarser or a daintier diet, only making so many hours' or days' longer imprisonment the price of self-indulgence.† It would be the easiest thing possible to graft this device on the existing systems. As a rule, it is a most difficult business to assign to industry‡ and good conduct their due tale of marks; for the virtues to be rewarded almost baffle precise measurement. But to fine self-indulgence on the proposed plan would be the simplest process. The other improvement would be far more difficult to effect. Captain MACONOCHE attempted to give the men an interest in, and to secure their co-operation for, the preservation of discipline, by associating them together in companies, the members of which were mutually responsible for each other's good conduct. Undoubtedly the adoption of this idea would considerably complicate the discipline; nevertheless, the gain would be great. Such a check on disorder would be most needed in the lower classes; in the higher (where it would, besides, somewhat interfere with individualization), it might be dispensed with. Perhaps, where there was a healthy tone among the convicts, it would scarcely be needed at all. It is a pity, however, that, when the end might be secured almost infallibly by the system, it should be left to the chance of the existence of a good spirit in the prison. The want of some means for securing to the officers the good will of the

* The first English steamer which ascended a Chinese river, while it astonished the natives, also excited their emulation. They made, therefore, what to all outward appearance—while it remained stationary—was a complete fac-simile. But they got the form alone without the power. A little rice-straw was kept burning at the bottom of the funnel; but though there was smoke, there were no engines. Coolies hidden in the paddle-boxes worked the wheels, and the sham steamer made fifteen yards instead of fifteen knots an hour. The parable is instructive. As the English steamer to the Chinese imitation, so is the real mark system to the official copy.

† It might be well also to give him the chance of accepting the money-value of the food he forgoes to send it to his—perhaps starving—wife and children.

‡ Unless there are facilities for employing piece-work, as at Portland. Perhaps it is the advantage of being able to ascertain what work the convicts really do in the quarries there, which makes Portland the best of the convict prisons.

convicts was notably demonstrated, it would seem, in the recent outbreaks at Chatham. It is said that there the ringleaders of the riots evidently possessed the sympathy of their comrades. They would not have been quite so popular, on the contrary, the convicts themselves would have put a speedy end to their pranks, if their misdeeds had lengthened by so many days or weeks (according to relentless rules already in force) the servitude of a large portion of their fellow prisoners.*

* If possible, not only should the members in the company be made to suffer by the misconduct of one, but the whole class should be mulcted for the delinquencies of one company. For instance, suppose ten marks were the price of a day, that one company incurred a fine of a hundred, and that there were ten companies in the class, each of the innocent nine might be fined four marks, and the offending company the residue of sixty-four.

Extract from a Sermon preached in the Chapel of Smithfield Prison, Dublin, by the REV. GEORGE B. WHEELER, A.M., Chaplain, on the day after the Prince Consort's death.

Many of you remember that three short months since the PRINCE CONSORT of England stood amongst you. He devoted some hours of his short sojourn in this country to visit the prisoners in this place. He brought with him the heir to the greatest monarchy in all the earth, and the heir, we confidently trust, to the virtues of both his parents. He brought that younger prince, who clung to him so lovingly, and whose sparkling eyes were yet undimmed by tears in life's early day; and thus he taught his children to be considerate and examining. You, my men, can never forget those hours of that Sabbath afternoon. You were witnesses of the deep interest the PRINCE felt in all that concerns humanity. You heard his acute questions. You marked the closeness of his observation, the patience with which he examined all the details of the system instituted here. At that time you were unconscious of his exalted rank. Only two or three knew that our visitor was the nearest to the throne, and had left royalty to visit us, shut out from the world and by almost all the world forgotten. Let it be remembered here—angels have recorded it elsewhere—that the last public act of the PRINCE CONSORT in Ireland was to set apart some hours of a rare and precious holiday to a thorough and searching examination into the condition of our prisoners here.

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